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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,707	01/02/2004	Joel W. Pfister	S522.12-0012	3806

164 7590 07/25/2005

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/750,707

Applicant(s)

PFISTER, JOEL W.

Examiner

Jon A. Szumny

Art Unit

3632

All participants (applicant, applicant's representative, PTO personnel):

(1) Jon A. Szumny.

(3) John Carpenter.

(2) Mike Pape.

(4) _____.

Date of Interview: 20 July 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1, 5 and 29.

Identification of prior art discussed: Wichers et al. '315.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: With respect to the attached proposed amendment, the Examiner informed the applicant that a rejection equivalent to that made in the previous office action would be made in claim 5 while the Examiner would have to further consider Wichers et al. '315 among other references regarding claims 1 and 29.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: Joel W. Pfister	
Appln. No.	: 10/750,707	
Filed	: January 2, 2004	Group Art Unit: 3632
Title	: ARTICULATED MOUNT	Examiner: Jon A. Szumny
Docket No.	: S522.12-0012	

CERTIFICATION OF TELEFACSIMILE TRANSMISSION

571-273-6824

Fax Number

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and
Trademark Office on the date shown below:

1. Proposed Amendment.

KINNEY & LANGE, P.A.

Date: July 19, 2005

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13 PAGES - INCLUDING COVER PAGE

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July 19, 2005

VIA U.S. FACSIMILE

Jon A. Szumny, Patent Examiner
U. S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Applications of Joel W. Pfister, et al.
Serial No. : 10/750,707
Filed : January 2, 2004
Title : ARTICULATED MOUNT
Our File : S522.12-0012

Dear Mr. Szumny:

As we discussed this morning, enclosed please find a Proposed Amendment to application number 10/750,707 in response to the Office Action mailed on April 27, 2005. I look forward to discussing the Proposed Amendment with you tomorrow morning at 10:30 a.m. Eastern Time, 9:30 a.m. Central Time. Have a great day!

Yours very truly,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor	: Joel W. Pfister	
Appln. No.	: 10/750,707	
Filed	: January 2, 2004	Group Art Unit: 3632
Title	: ARTICULATED MOUNT	Examiner: Jon A. Szumny
Docket No.	: S522.12-0012	

PROPOSED AMENDMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA FACSIMILE
571-273-6824

INTRODUCTION

This is a proposed amendment in response to the Office Action mailed on April 27, 2005.

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-2-

AMENDMENTS TO THE CLAIMS

Please amend claims 1-30, such that the status of the claims is as follows:

1. (Canceled)**2. (Currently Amended)** A mounting system comprising:

a wall plate for mounting to a support surface;

a mount plate for mounting to a display; and

an articulated linkage between the wall mount and the mount plate including a first variable drag tapered bearing for providing adjustable variable drag pivotal movement about a first pivot axis,[[.]] wherein the variable drag tapered bearing comprises: a tapered bore carried by a first support element of the articulated linkage; and a tapered axle carried by a second support element, wherein the tapered axle includes a tapered spindle such that the variable drag tapered bearing provides variable compression between the tapered bore and the tapered spindle independent of rotation of the first and second support elements.

3. (Currently amended) The system of claim 2, wherein the articulated linkage further includes[[:]] a second adjustable variable drag tapered bearing providing adjustable variable drag pivotal movement about a second pivot axis displaced from the first pivot axis.**4. (Canceled)****5. (Currently Amended)** A mounting system comprising:

a wall plate for mounting to a support surface;

a mount plate for mounting to a display; and

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-3-

an articulated linkage between the wall mount and the mount plate ~~including comprising~~ a ~~first adjustable variable drag tapered bearing~~ for providing ~~adjustable variable drag~~ pivotal movement about a first pivot axis[[.]] and a support element, wherein the variable drag tapered bearing comprises:

a tapered bore formed in a first support element; and

a tapered axle carried by a second support element, wherein the tapered axle includes a tapered spindle for insertion into the tapered bore.

6. (Canceled)

7. (Currently Amended) The system of claim [[6]] 5, wherein the variable drag tapered bearing further comprises:

means for providing a variable axial force between the tapered spindle and the tapered bore to control friction there between, wherein the variable axial force is independent of rotation of the first and second support elements, wherein the means for providing the adjustable axial force is a screw.

8. (Canceled)

9. (Currently Amended) The system of claim [[8]] 2, wherein the tapered bore is part of a bushing carried by the second ~~first~~ support element.

10. (Withdrawn - Currently Amended) The system of claim [[9]] 2 wherein;

the tapered axle further includes a tapered mount;

the ~~first~~ second element of the articulated linkage carries a tapered bore; and

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-4-

the tapered mount is clamped into the tapered bore of the ~~first~~ second support element.

11. **(Currently Amended)** The system of claim [[9]] 2 wherein;
the tapered axle further includes a threaded spindle;
the ~~first~~ second support element of the articulated linkage carries a threaded bore; and
the threaded spindle is screwed into the threaded bore of the ~~first~~ second support element.

12. **(Canceled)**

13. **(Currently Amended)** The system of claim [[8]] 2, wherein the tapered bore is formed in the ~~second~~ first support element.

14. **(Withdrawn - Currently Amended)** The system of claim [[13]] 5 wherein;
the tapered axle further includes a tapered mount;
the ~~first~~ second element of the articulated linkage carries a tapered bore; and
the tapered mount is clamped into the tapered bore of the ~~first~~ second support element.

15. **(Canceled)**

16. **(Canceled)**

17. **(Currently Amended)** The system of claim 5, wherein the articulated linkage further includes[[.]] a
second ~~adjustable~~ variable drag tapered bearing providing ~~adjustable~~ variable drag pivotal movement about
a second pivot axis displaced from the first pivot axis.

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-5-

18.(Canceled)

19. (New) The system of claim 2, wherein the first support element comprises a first support arm and the tapered bore is carried by the first support arm.

20. (New) The system of claim 2, wherein the second support element comprises a second support arm and the tapered axle is carried by the second support arm.

21. (New) The system of claim 2, wherein the variable drag tapered bearing further comprises:
a squared neck protruding from a top surface of the tapered spindle;
a tension cap having a through hole and a squared counter bore for mating with the squared neck on the tapered spindle;
a washer having an aperture large enough to clear the squared neck on the tapered spindle;
a drag adjustment screw extending through the tension cap and the washer, wherein the drag adjustment screw provides variable compression between the tapered bore of the first support element and the tapered spindle of the second support element independent of rotation of the first and second support elements.

22. (New) The system of claim 21, wherein the tapered spindle includes a threaded receiver and the drag adjustment screw threads into the threaded receiver.

23. (New) The system of claim 5, wherein the variable drag tapered bearing further comprises:
a squared neck protruding from a top surface of the tapered spindle;

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-6-

a tension cap having a through hole and a squared counter bore for mating with the squared neck on the tapered spindle;
a washer having an aperture large enough to clear the squared neck on the tapered spindle;
an drag adjustment screw extending through the tension cap and the washer, wherein the drag adjustment screw provides variable compression between the tapered bore of the first support element and the tapered spindle of the second support element independent of rotation of the first and second support elements.

24. (New) The system of claim 23, wherein the tapered spindle includes a threaded receiver and the drag adjustment screw threads into the threaded receiver.

25. (New) The system of claim 7, wherein the tapered spindle is secured to a threaded spindle that is carried by a threaded bore of the second support element.

26. (New) The system of claim 7, wherein the means for providing the variable axial force is a screw.

27. (New) The system of claim 5, wherein the first support element comprises a first support arm and the tapered bore is formed in the first support arm.

28. (New) The system of claim 5, wherein the second support element comprises a second support arm and the tapered spindle is carried by the second support arm.

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-7-

29. (New) A mounting system comprising:

- a wall plate for mounting to a support surface;
- a mount plate for mounting to a display; and
- an articulated linkage between the wall mount and the mount plate including a first variable drag tapered bearing, for providing variable drag pivotal movement about a first pivot axis, wherein the first variable drag tapered bearing comprises:
 - a tapered bore carried by a first support element of the articulated linkage;
 - a tapered axle carried by a second support element, wherein the tapered axle includes a tapered spindle;
 - a drag adjustment screw extending from the tapered spindle;
 - a tension cap having a through hole, wherein the drag adjustment screw extends through the first support element and the through hole;
 - a fastener for engaging the drag adjustment screw and variably compressing the tension cap and the first support element by varying the tension between the fastener and the drag adjustment screw, thereby providing variable compression between the tapered spindle and the tapered bore.

30. (New) The mounting system of claim 29 wherein the fastener is secured to a top end of the drag adjustment screw and the drag adjustment screw screws into a threaded receiver carried by the tapered spindle such that as the drag adjustment screw is screwed into or out of the threaded receiver the tension cap either increases or releases pressure, respectively, between the tapered spindle and the tapered bore to vary the drag there between.

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-8-

REMARKS

This is in response to the Office Action mailed April 23, 2005. Please reconsider the application in view of the above amendments and the following remarks.

Status of Claims

Applicant confirms its provisional election of species 6. Claims 1, 4, 6, 8, 12, 15, 16, and 18 have been canceled, claims 2, 3, 5, 7, 9, 11, 13, and 17 have been amended, claims 10 and 14 have been withdrawn, and new claims 19-30 have been added.

Applicant has amended claims 3 and 17 to correct typographical errors, and claims 9, 11, and 13 have been amended to account for other claim cancellations and amendments. Specifically, claims 9, 11, and 13 previously depended from now canceled claims and have been amended to depend from independent claim 2. Claims 3, 9, 11, and 13, and 17 have also been amended to reflect the element names used in claim 2. Finally, claims 2 and 5 have been amended to preclude a future double patenting objection (as discussed infra), and claim 7 has been amended to further illustrate the adjustability of the variable drag tapered bearing.

Election/Restrictions

The Office Action withdrew claims 10 and 14 from consideration as being directed to a non-elected invention. The application reflects the withdrawal of claims 10 and 14. Furthermore, claims 10 and 14 have been amended to depend from and reflect the element names used in claims 2 and 5.

Drawings

The Office Action objected to the drawings under 37 CFR 1.83(a) as not showing the "knurled spindle" of claims 12 and 16. Claims 12 and 16 have been canceled. Accordingly, applicant respectfully requests that the rejection under 37 CFR 1.83(a) be withdrawn.

Double Patenting

The Office Action raised a potential double patenting objection, stating that if claims 2-4 were found allowable, claims 5, 6, and 17 would be objected to under 37 CFR 1.75. Claims 4 and 6 have

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-9-

been canceled, and claims 2 and 5 have been amended so that they are not so close in content that they both cover the same thing. Specifically, claim 2 provides a tapered bore carried by a first support element and claim 5 provides a tapered bore formed in a first support element. Claims 3 and 17 depend from independent claims 2 and 5 respectively, and are therefore allowable.

Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1, 2, 4-9, 12, 13 and 16 as being anticipated under 35 U.S.C. 102(b) by Wichers et al. (USP 3,409,315). Claims 1, 4, 6, 8, 12 and 16 have been canceled, and claims 2, 5, 7, 9 and 13 have been amended.

If an invention was patented in the United States more than one year prior to the date of an application for patent, then the applicant's invention is anticipated and not entitled to a patent. 35 U.S.C. 102(b). For anticipation under 35 U.S.C. 102(b), the prior art patent must teach every aspect of the claimed invention. MPEP § 706.02, IV. In this application, claims 2, 5, 7, 9 and 13 have been amended so that each claim comprises a variable drag tapered bearing. The rejection of claims 2, 5, 7, 9, and 13 is based, in part, on the assertion that the Wichers et al. bearing in the cited '315 patent is an adjustable drag tapered bearing, however the Wichers et al. bearing is neither an adjustable nor a variable drag tapered bearing and the rejection of claims 2, 5, 7, 9 and 13 should therefore be withdrawn.

Wichers et al. is not an adjustable or a variable drag tapered bearing because it does not provide variable drag pivotal movement. The Wichers et al. bearing consists of "shells ... drawn together against the bias of the interposed spring by fastening means such as a screw." ('315 patent, col. 2, line 10-13). The use of the spring in conjunction with the screw to bias the shells indicates that the screw is securely fastened and non-variable, and that the spring creates a constant biasing force. This is further supported in that "an alternative embodiment might comprise a permanent rivet, or equivalent fastening means" to draw the shells together instead of a screw. ('315 patent, col. 5, line 53-53) (emphasis added). The Wichers et al. bearing is not variable and does not provide variable compression between a tapered

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-10-

bore and a tapered axle. Therefore, the Wichers et al. bearing is not an adjustable or variable drag tapered bearing.

Because the Wichers et al. bearing is not an adjustable or variable drag tapered bearing, the '315 patent does not teach every aspect of claims 2, 3, 5, 7, 9 and 13. Therefore, claims 2, 3, 5, 7, 9 and 13 are patentable and the rejection under 35 U.S.C. 102(b) should be withdrawn. Applicant respectfully requests that the examiner withdraw the rejection under 35 U.S.C. 102(b) and allow claims 2, 3, 5, 7, 9 and 13.

Rejections under 35 U.S.C. §103

The Office Action rejected claims 3, 17 and 18 under 35 U.S.C. 103(a) as being obvious over Wichers et al. '315 in view of Horn (USP 3,601,598). Furthermore, the Office Action also rejected claims 11 and 15 under 35 U.S.C. 103(a) as being obvious over Wichers et al. '315 in view of Sheftel (USP 2,986,395). Claims 15 and 18 have been canceled and therefore the examiner should withdraw the rejection to claims 15 and 18.

In order to reject a claim under 35 U.S.C. 103 as being obvious, all of the claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03 citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Here, the combinations do not disclose, teach or suggest all elements of claims 3, 11, and 17.

First, with respect to Claims 3 and 17, Wichers et al. and Horn do not teach or suggest all of the elements recited in claims 3 or 17. As discussed above, Wichers et al. does not disclose, teach, or suggest the use of a variable drag tapered bearing. Furthermore, Horn discloses joints connected by permanent rivets and therefore the joints are not adjustable. ('598 patent, col. 1 line 56). As a result, Horn does not disclose, teach, or suggest the use of a variable drag tapered bearing. Both claims 3 and 17 depend from an independent claim having a variable drag tapered bearing, and further include a second variable drag tapered bearing. Therefore, the combination of Wichers et al. and Horn fails to disclose,

First Named Inventor: Joel W. Phifster

Application No.: 10/750,707

-11-

teach, or suggest all of the elements recited in claims 3 and 17, and rejection of claims 3 and 17 under 35 U.S.C. 103(a) is improper.

Second, the combination of Wichers et al. and Sheftel does not disclose, teach or suggest all of the elements in claim 11. As noted, Wichers et al. does not disclose, teach, or suggest the use of a variable drag tapered bearing. Also, Sheftel discloses a basketball goal with a height adjustment feature but does not disclose, teach, or suggest the use of a variable drag tapered bearing. Claim 11 depends from independent claim 2 and therefore includes a variable drag tapered bearing. Because the combination of Wichers et al. and Sheftel does not disclose, teach, or suggest the use of a variable drag tapered bearing, a rejection under of claim 11 under 35 U.S.C. 103 is improper.

New Claims

Applicant has also amended the application by adding new claims 19-30.

CONCLUSION

Applicant has attempted in earnest to address each issue raised in the Office Action of April 27, 2005. In view of the foregoing, Applicant requests notice of allowability for all pending claims 2, 3, 5, 7, 9, 11, 13, 17, and 19-30.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,
KINNEY & LANGE, P.A.

Date: _____

By: _____

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